

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		CUSTOMER NO. 22,852 ATTORNEY'S DOCKET NUMBER: 02655.0040 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/552,942
INTERNATIONAL APPLICATION NO. PCT/IB2004/001130	INTERNATIONAL FILING DATE April 14, 2004	PRIORITY DATE CLAIMED April 14, 2003
TITLE OF INVENTION: APPARATUS FOR IMPARTING RELATIVE MOVEMENT BETWEEN AN OSCILLATING MEMBER AND A RAIL		
APPLICANT FOR DO/EO/US: Rudolph BÜHRMANN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed with the United States Receiving Office (RO/US). <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> Information Disclosure Statement under 37 CFR 1.97 and 1.98</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A Substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154 (d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Copy of cover page of International Publication No. WO 2004/090384 A1. b. <input checked="" type="checkbox"/> Copy of Notification of Missing Requirements. c. <input checked="" type="checkbox"/> Request for Withdrawal of Requirement for Additional Claim Fees. d. <input type="checkbox"/> European International Search Report. e. <input checked="" type="checkbox"/> Copy of Transmittal Letter of October 14, 2005. f. <input checked="" type="checkbox"/> Copy of Preliminary Amendment filed on January 17, 2006 and Copy of Postcard Receipt therefor. 		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/552,942	INTERNATIONAL APPLICATION NO. PCT/IB2004/001130	ATTORNEY'S DOCKET NUMBER 02655.0040		
The following fees have been submitted:		CALCULATIONS		
21. <input type="checkbox"/> BASIC NATIONAL FEE (37 CFR 1.492(a)): \$300.00		PTO Use Only		
		\$		
22. <input type="checkbox"/> Examination fee (37CFR 1.492(c))				
If the Written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0		\$		
All other situations..... \$200				
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500				
TOTAL of 21, 22 and 23 =				
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate	
13 - 100 =	/50=		x \$250.00	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$130.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	18 - 20 = 0		x \$50.00	\$
Independent Claims	1 - 3 = 0		x \$200.00	\$
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$360.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$
				SUBTOTAL = \$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest priority date (37 CFR 1.492(i)).				\$
				TOTAL NATIONAL FEE = \$ 130.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$
11/06/2006 GFREY1 00000140 10552942				TOTAL FEES ENCLOSED = \$ 130.00
01 FC:16.7 130.00 0P				Amount to be refunded: \$
				charged: \$
a. <input checked="" type="checkbox"/> A check in the amount of \$ 130.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.				
SEND ALL CORRESPONDENCE TO:				
 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413 FPD/FPD/sci				
Ernest F. Chapman/25,961 NAME/REGISTRATION NUMBER				
DATED: November 1, 2006				

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		CUSTOMER NO. 22,852 ATTORNEY'S DOCKET NUMBER: 02655.0040 U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/IB2004/001130		ATTORNEY'S DOCKET NUMBER 02655.0040	
The following fees have been submitted:				CALCULATIONS	PTO Use Only
21. <input checked="" type="checkbox"/> BASIC NATIONAL FEE (37 CFR 1.492(a)):\$300.00				\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37CFR 1.492(c)) If the Written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$0 All other situations.....\$200				\$200.00	
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TOTAL of 21, 22 and 23 =				900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
13 - 100 =	/50=		x \$250.00	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	18 - 20 =	0	x \$50.00	\$	
Independent Claims	1 - 3 =	0	x \$200.00	\$	
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$360.00	\$ 360.00
TOTAL OF ABOVE CALCULATIONS =				\$1260.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$	
				SUBTOTAL =	\$1260.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest priority date (37 CFR 1.492(l)).				\$	
				TOTAL NATIONAL FEE =	\$ 1260.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	
				TOTAL FEES ENCLOSED =	\$ 1260.00
				Amount to be refunded:	\$
				charged:	\$
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413 ASG/FPD/sc					
 SIGNATURE Arthur S. Garrett/20,338 NAME/REGISTRATION NUMBER					
DATED: October 14, 2005					

Customer No. 22,852
Attorney Docket No.: 02655.0040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Rudolph BÜHRMANN)
Application No.: 10/552,942) Group Art Unit: Not Yet Assigned
Filed: October 14, 2005) Examiner: Not Yet Assigned
National Stage of International Application No.)
PCT/IB2004/001130 under 35 U.S.C. 371, for)
APPARATUS FOR IMPARTING RELATIVE)
MOVEMENT BETWEEN AN OSCILLATING)
MEMBER AND A RAIL)

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR WITHDRAWAL OF REQUIREMENT

FOR ADDITIONAL CLAIM FEES

The Notification of Missing requirements dated September 1, 2006, indicates that additional claim fees of \$50.00 as a non-small entity, including any required multiple dependent claim fee, are required and that applicants must submit the additional claim fees or cancel the additional claims for which fees are due.

It is respectfully submitted that the requirement for additional claim fees of \$50.00 has been issued in error. Applicant submitted a total application fee of \$1,260.00, including multiple dependent claim fee of \$360.00, when applicant entered the national phase on October 14, 2005, in the U.S. Patent and Trademark Office. As indicated in applicant's transmittal letter of October 14, 2005, (copy attached) there are 18 claims

Customer No. 22,852
Attorney Docket No.: 02655.0040

total, including 1 independent claim, and multiple dependent claims fee. A total of 18 claims were filed with the application on October 14, 2005. In a preliminary amendment (copy enclosed) filed on January 17, 2006, applicant reduced the number of claims to total of 15. All of the multiple dependent claims were eliminated by the amendment. Thus, the total claim count for fee purposes is now 15.

Since this application was submitted to the U.S. Patent and Trademark Office on October 14, 2005, with the correct fee, it is respectfully requested that the requirement of an additional fee of \$50.00 be withdrawn. However, if it is determined that the additional fee is required, authorization is given to charge the fee of \$50.00 to our Deposit Account No. 06-0916.

Please associate this paper with the application as filed on October 14, 2005, and assigned application no. 10/552,942.

If there is any fee due in connection with the filing of this paper, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2006

By:


Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/sci



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,942	Rudolph Buhrmann	02655.0040
INTERNATIONAL APPLICATION NO.		
PCT/IB04/01130		
I.A. FILING DATE	PRIORITY DATE	
04/14/2004	04/14/2003	

22852
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 901 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

RECEIVED

SEP 07 2006

CONFIRMATION NO. 6895
 371 FORMALITIES LETTER



OC000000020268894

Date Mailed: 09/01/2006

**Finnegan, Henderson, Farabow,
 Garrett & Dunner, L.L.P.**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED
 STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/14/2005
- Copy of the International Search Report filed on 10/14/2005
- Copy of Annexes to the IPER filed on 10/14/2005
- Preliminary Amendments filed on 10/14/2005
- Information Disclosure Statements filed on 11/17/2006
- U.S. Basic National Fees filed on 10/14/2005
- Priority Documents filed on 10/14/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

RTK

SEP 11 2006

g706 ASG/wsd
 Docketed Case # 02655-0040
 Due Date 11/17/06 EXC.
 Action DECL SURCHARGE + ADDITIONAL FEE
 By JMM

Total additional fees required for this application is **\$180** for a Large Entity:

- **\$130 Surcharge.**
- Total additional claim fee(s) for this application is **\$ 50**
 - **\$50** for 1 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,942	PCT/IB04/01130	02655.0040

FORM PCT/DO/EO/905 (371 Formalities Notice)

ASG/CSD

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

57

In Re Application of: Rudolph Bührmann

Confirmation No.: To be Assigned

Application No.: 10/552,942

Group Art Unit: To be Assigned

Filed: October 14, 2005

Examiner: To be Assigned

For: Apparatus for Imparting Relative Movement Between an Oscillating Member and a Rail

1. Preliminary Amendment - 5 pgs
2. Information Disclosure Statement - 1 pg
3. Form PTO/SB/08 - 1 pg
4. International Search Report - 3 pgs
5. Two foreign references



Dated January 17, 2005

(Due Date: 1-14-06 - Sat)

Docket No.: 2655-40

ASG/vfl - Mail Drop 1032

1032548_1.DOC

ASG
CSD